

VIRGINIA ACTS OF ASSEMBLY -- 2020 RECONVENED SESSION

CHAPTER 1259

An Act to amend and reenact § 46.2-841 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-816.1, relating to bicyclists and other vulnerable road users; penalty.

[S 437]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-841 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-816.1 as follows:

§ 46.2-816.1. Careless driving and infliction of injury on vulnerable road users; penalty.

A. As used in this section, "vulnerable road user" means a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal.

B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in § 18.2-51.4 to a vulnerable road user who is lawfully present on the highway at the time of injury.

C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-852 for the same act.

§ 46.2-841. When overtaking vehicle may pass on right.

A. The driver of a vehicle may overtake and pass to the right of another vehicle only:

1. When the overtaken vehicle is making or about to make a left turn, and its driver has given the required signal;

2. On a highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width for two or more lines of moving vehicles in each direction;

3. On a one-way street or on any one-way roadway when the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety. Except where driving on paved shoulders is permitted by lawfully placed signs, no such movement shall be made by driving on the shoulder of the highway or off the pavement or main traveled portion of the roadway.

C. Notwithstanding subsections A and B, nothing in this section shall permit a driver of a motor vehicle to cross a solid line designating a bicycle lane to pass or attempt to pass another vehicle, except as provided in § 46.2-920.1, 46.2-1210, or 46.2-1212.1, as directed by a law-enforcement officer, or where the roadway is otherwise impassable due to weather conditions, an accident, or an emergency situation.